

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

LOUIE ALEXANDER,
Plaintiff,

-VS-

OPELIKA CITY BOARD OF EDUCATION,
Defendant.

Case No. 3:06-cv-498-WKW

DEFENDANT'S REPORT OF RULE 26(F) PARTIES' PLANNING MEETING

Pursuant to Fed.R.Civ.P. 26(f), a meeting was held between counsel for the parties on the 18th day of August, 2006, via telephone. However, after communicating, the parties have been unable to jointly agree on a trial term and the deadlines corresponding thereto. Accordingly, Defendant submits this Rule 26(f) Report separate and apart from Plaintiff to the Court for its consideration.

1. The meeting was attended, via telephone, by:
 - a. Gregg L. Smith for Plaintiff Louie Alexander;
 - b. Elizabeth Brannen Carter for the Defendant Opelika City Board of Education.
2. Pre-discovery disclosures. The parties will exchange by September 1, 2006, the information required by Local Rule 26.1(a)(1).
3. Discovery Plan: The Defendant proposes to the Court the following discovery plan:
 - a. Discovery will be needed on the following subjects: all matters raised in the Complaint, any amendments to the Complaint and any Answer;
 - b. All discovery commenced in time to be completed by May 30, 2007;
 - c. Maximum of 40 interrogatories by each party to any other party. Responses due 30 days after service;
 - d. Maximum of 40 requests for production by each party to any other party. Responses due 30 days after service;
 - e. Maximum of 25 requests for admission by each party to any other party. Responses due 30 days after service;
 - f. Maximum of 5 depositions by Plaintiff and 5 depositions by Defendant, unless otherwise agreed to by the parties;

- g. Each deposition, other than that of the parties, limited to a maximum of 7 hours, unless otherwise agreed to by the parties. Parties' depositions limited to a maximum of 7 hours, unless otherwise agreed to by the parties;
 - h. Reports from retained experts under Rule 26(a)(2) due:
 - (1) from Plaintiff by February 1, 2007; and
 - (2) from Defendant by March 1, 2007; and
 - i. Supplementations under Rule 26(e) a reasonable time after discovery.
4. Other matters:
- a. The Defendant requests a conference with the Court before entry of the Scheduling Order;
 - b. Plaintiff should be allowed until March 1, 2007 to join additional parties and until April 1, 2007 to amend the pleadings;
 - c. Defendant should be allowed until April 1, 2007 to join additional parties and until May 1, 2007 to amend the pleadings;
 - d. All potentially dispositive motions should be filed by April 6, 2007;
 - e. Settlement cannot be realistically evaluated prior to April 1, 2007;
 - f. The parties request a final pretrial conference in July, 2007;
 - g. Final lists of witnesses and exhibits under Rule 26(a)(3) should be due:
 - (1) from Plaintiff: 30 days before trial; and
 - (2) from Defendant: 30 days before trial.
 - h. Parties should have until no less than 14 days prior to trial to list objections to witnesses and exhibits under Rule 26(a)(3); and
 - i. The case should be ready for trial by August 20, 2007, and is expected to take approximately 2-3 days.

Plaintiff's counsel has suggested ADR. At this point, Defendant is not inclined to attempt ADR. The positions of Defendant may change over the coming weeks or months. Defendant will inform the Court in a timely manner as to any change in its position regarding ADR.

RESPECTFULLY SUBMITTED this the 18th day of August, 2006.

OPELIKA CITY BOARD OF EDUCATION,
Defendant,

By: /S/ Elizabeth Brannen Carter

James R. Seale (3617-E-68J)
Elizabeth Brannen Carter (3272-C-38E)

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www/6630.0167/g:Report of Rule 26(f) Planning Meeting.wpd

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date electronically filed the foregoing *Defendants' Report of Rule 26(f) Parties' Planning Meeting* with the Clerk of the Court for the United States District Court, for the Middle District of Alabama, using the CM/ECF system which will send notification of such filing to: Gregg Smith (greggsmith@bellsouth.net) this the 18th day of August, 2006.

/S/ Elizabeth Brannen Carter